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IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

People of the State of New Jersey upon relation)	
of John Barry Jr.,)	3:18-cv-14276-BRM-DEA
)	
Plaintiff,)	Motion day: 4/1/2019
)	
v.)	
)	
IRS Commissioner, John Koskinen, In His)	
Official Capacity, In His Personal Capacity,)	
Against His Oath and Bond;)	
)	
TIGTA, Treasury Inspector General for Tax)	
Administration, Steven Terner Mnuchin, In His)	
Official Capacity, In His Personal Capacity,)	
Against His Oath and Bond;)	
)	
IRS Revenue Officer Elba Y. Porratadoria,)	
In Her Official Capacity, In Her Personal)	
Capacity, Against Her Oath and Bond;)	
)	
IRS Territory Manager, May Ann Acone,)	
In Her Official Capacity, In Her Personal)	
Capacity, Against Her Oath and Bond,)	
)	
Defendants.)	
)	
The United States of America,)	
)	
Intervening Defendant.)	

NOTICE OF MOTION TO INTERVENE AND DISMISS

To: John Barry Jr.
232 Amherst Ave.
Pemberton, NJ 08068
Plaintiff Pro Se

PLEASE TAKE NOTICE that on April 1, 2019, or as soon as it may be heard, the United States of America will move to intervene in this action pursuant to Fed R. Civ. P. 24, and together with the named defendants in this action, will move pursuant to Fed. R. Civ. P. 12(b)(6) for an Order dismissing all claims in the Complaint.

In support of this motion, the moving parties will rely upon the accompanying memorandum. A proposed form of order is also submitted with this notice. It is respectfully requested that the Court rule upon the moving papers submitted, without requiring appearance of counsel, pursuant to Fed. R. Civ. P. 78.

DATED: March 4, 2019.

RICHARD E. ZUCKERMAN
Principal Deputy Assistant Attorney General

CRAIG CARPENITO
United States Attorney

/s/ Nelson Wagner
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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2019, I filed the foregoing, and all attachments thereto, electronically with the Court's electronic filing system, which served notice of such filing on all registered users who are parties to this case. In addition, copies of the motion, and all attachments, were served as follows:

By First Class Mail:

John Barry Jr.
232 Amherst Ave.
Pemberton, NJ 08068

/s/ Nelson Wagner
NELSON WAGNER
Trial Attorney, Tax Division